

RATIFIED BY:
THE ENERGY REGULATORY COMMISSION
OF THE REPUBLIC OF ARMENIA
RESOLUTION No. 57
DATED: 13 November, 2001

PROCEDURES

FOR THE FILING AND REVIEW OF APPLICATIONS ON DISPUTABLE ISSUES AMONG THE LICENSEES OF THE ENERGY SECTOR OF THE REPUBLIC OF ARMENIA

These Procedures shall regulate the process of accepting and reviewing the applications on disputable issues filed by the licensees (hereafter referred to as the “Parties”) of the energy sector of the Republic of Armenia by the Energy Regulatory Commission of the Republic of Armenia (hereafter referred to as the “Commission”).

1. General Provisions

- 1.1 While considering the disputable issues, the Commission and the Parties shall be guided by the Energy Law of the Republic of Armenia, the Legislation of the Republic of Armenia, other Legal Acts, the Resolutions adopted by the Commission, and these Procedures.
- 1.2 Each of the Parties shall have the right to apply to the Commission with the request to resolve the disputable issues within the Commission’s jurisdiction.
- 1.3 These Procedures shall not restrict the rights of the Parties to resolve their disputes in the court.

2. Filing and Review of the Applications on Disputable Issues, and Settlement of the Disputes

- 2.1 The application on the disputable issue submitted to the Commission must be signed by the leader of the Party (or its authorized representative), or the leaders of the Parties (or their authorized representatives), appended with all the justifying documents.
- 2.2 The received application shall be registered with the Commission according to the established procedure. Later, after the Chairman of the Commission (or the Deputy Chairman) has endorsed the application, it shall be forwarded to the appropriate Department for consideration and preparation for discussion. In case

of necessity, the Chairman of the Commission (or the Deputy Chairman) shall assign one of the Commissioners to coordinate the process.

- 2.3 Within 10 days of the filing of the application, the Head of the responsible Department shall notify the Parties about the expected time period of the discussion and the procedure.
- 2.4 If needed, the Commission may require additional information and documents from the Parties. In such case, the time required for the submission of such information and documents, shall not be included in the time period specified in item 2.3 of these Procedures.
- 2.5 The Head of the responsible Department shall organize discussions with participation of the Parties, or their authorized representatives.
- 2.6 The Head of the responsible Department, upon the consent of the Chairman of the Commission, can invite independent experts and advisors, if they do not have any financial interest with the Parties and are not a shareholder in the Parties.
- 2.7 The Head of the responsible Department, according to the procedure established by the Commission, can forward the issue for consideration at the Commission meeting, in case of necessity.
- 2.8 Within the scope of its jurisdiction, the Commission shall provide a response in writing. No response in writing shall be provided in instances when as a result of such discussions the Parties arrive at a mutually acceptable settlement, which is recorded in the Minutes drafted by the responsible Commission Department.

3. Discussion And Resolution of Disputes At the Commission Meetings

- 3.1 Disputable issues are discussed at the Commission meetings in accordance with the “Procedures for the Organization and Conduct of the Internal Meetings of the Energy Regulatory Commission of the Republic of Armenia”, established by the Commission.
- 3.2 If, for any justifiable and valid reason, any of the Parties cannot participate at the Commission meeting, then they should notify about it at least 1 (one) day prior to the session. In such cases, the review of the disputable issue may be transferred to the consecutive session of the Commission, and the other Party shall be duly notified.
- 3.3 In the result of the discussions, the Commission shall issue a resolution within its jurisdiction.

- 3.4 If the settlement provided (the resolution issued) by the Commission does not satisfy the Parties (or one of the Parties), it shall not restrict rights of the Parties (or one of the Parties) to apply to the Commission once again in accordance with these Procedures, with the request to reconsider the adopted decision.
- 3.5 The respective decision of the Commission on the disputable issue shall be referred to the Parties within 5 (five) days following the day of its adoption.
- 3.6 The Commission's decision shall be obligatory for the Parties and can be appealed in the court.